

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

SAN FRANCISCO UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013040206

ORDER GRANTING REQUEST TO
CHANGE PREHEARING
CONFERENCE DATE

Currently, the prehearing conference (PHC) in this matter is set for May 22, 2013, and the due process hearing is set for May 28, 2013. On April 22, 2013, Sarah Garcia, attorney for the San Francisco Unified School District (District), filed a request to change and/or advance the prehearing conference (PHC) date in this matter. In her request, the attorney for District explained that due to a calendaring conflict, she would not be able to participate in the scheduled PHC on May 22, 2013. She requests that OAH reset the PHC for May 15, 2013. With her request, Ms. Garcia included a copy of an email message between her and the attorney for Student, Sarah Fairchild which shows that Ms. Fairchild has no opposition to the requested change. The parties did not request a continuance of any other dates in this matter.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

The instant request to change the PHC date does not interfere with OAH's ability to timely conduct the hearing and issue a decision in this matter. Therefore, OAH has reviewed

the request for good cause and considered all relevant facts and circumstances. The request is:

☒ **Granted, only as to the PHC.** The due process hearing dates in this matter are maintained as calendared, and this matter shall be set as follows:

Mediation:	May 8, 2013, at 9:30 AM
Prehearing Conference:	May 15, 2013, at 1:30 PM
Due Process Hearing:	May 28, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: April 29, 2013

/s/

ADENIYI AYOADE
Administrative Law Judge
Office of Administrative Hearings